

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

USCA Docket Number:

USDC Docket Number : 05-cv-10467

Verdieu Bernard

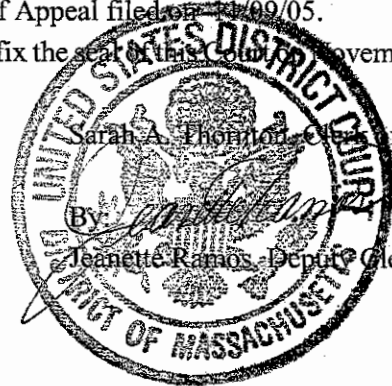
v.

Department of Homeland Security,

CLERK'S CERTIFICATE

I, Sarah A Thornton, Clerk of the United States District Court for the District of Massachusetts, do hereby certify that the annexed documents as indicated on the certified copy of the docket and contained in Volume(s) I (endorsed order granting Motion to Reopen case) are the original pleadings and constitute the record on appeal in the above entitled case for the Notice of Appeal filed on 11/09/05.

In testimony whereof, I hereunto set my hand and affix the seal of this Court November 21, 2005.



Receipt of the documents in the above entitled case is hereby acknowledged this date: 11/21/05.

D. Barchard
Deputy Clerk, US Court of Appeals

Please complete the following information:

COURT OF APPEALS DOCKET NUMBER ASSIGNED: _____

HABEAS

**United States District Court
District of Massachusetts (Boston)
CIVIL DOCKET FOR CASE #: 1:05-cv-10467-RWZ**

Bernard v.USA et al
Assigned to: Judge Rya W. Zobel
Cause: 28:2241 Petition for Writ of Habeas Corpus (federa

Date Filed: 03/11/2005
Jury Demand: None
Nature of Suit: 530 Habeas Corpus
(General)
Jurisdiction: U.S. Government
Defendant

Petitioner

Verdieu Bernard

represented by **John D. Himmelstein**
Law Office of John D. Himmelstein
Suite 01
929 Massachusetts Avenue
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617-868-2533
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Respondent

Department of Homeland Security

represented by **Christopher R. Donato**
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LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Respondent

USA

represented by **Christopher R. Donato**

(See above for address)

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Jennifer C. Boal

(See above for address)

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
03/11/2005	<u>1</u>	PETITION for Writ of Habeas Corpus (2241) \$ 5, receipt number 62677, filed by Verdieu Bernard. (Attachments: # <u>1</u>)(Johnson, Jay) (Entered: 03/16/2005)
03/11/2005		If the trial Judge issues an Order of Reference of any matter in this case to a Magistrate Judge, the matter will be transmitted to Magistrate Judge Dein. (Johnson, Jay) (Entered: 03/16/2005)
03/17/2005	<u>2</u>	Judge Rya W. Zobel : ORDER entered. re <u>1</u> Petition for Writ of Habeas Corpus (2241) filed by Verdieu Bernard. (Urso, Lisa) Modified on 3/18/2005 (Johnson, Jay). (Entered: 03/17/2005)
06/28/2005	<u>3</u>	Judge Rya W. Zobel : Order ORDER entered. ORDER DISMISSING CASE for failure to prosecute.(Urso, Lisa) (Entered: 06/28/2005)
08/05/2005	<u>4</u>	AMENDED MOTION for Habeas Corpus and Motion to Stay Removal from USA by Verdieu Bernard.(Johnson, Jay) (Entered: 08/08/2005)
08/05/2005	<u>5</u>	MOTION to Vacate <u>3</u> Order Dismissing Case by Verdieu Bernard.(Johnson, Jay) (Entered: 08/08/2005)
08/17/2005	<u>6</u>	Judge Rya W. Zobel : ORDER entered (1) Petitioner's Amended Motion for Habeas Relief pursuant to 28 U.S.C. section 2241 and Motion to Stay Removal (#4) is denied; (2) Petitioner's Motion to Vacate Dismissal (#5) is denied; (3) Within fourteen (14) days from the date of this Memorandum and Order, Petitioner shall file a) a Motion to Re-Open this action for the sole purpose of Transfer of this action to the "appropriate circuit court of appeals" pursuant to Section 106(c) of the REAL ID Act of 2005, providing sufficient information for the Court to determine the appropriate court of appeals for transfer of this action; and b) a Motion to Substitute Respondent, to name the proper Respondent in this action; and

		(4) Attorney Himmelstein shall forthwith provide to Petitioner copies of all pleadings and orders in this case and certify to the Court within 14 days that he has complied with this order. (PSSA4) (Entered: 08/17/2005)
08/17/2005	<u>7</u>	NOTICE of Appearance by Christopher R. Donato on behalf of Department of Homeland Security, USA and Withdrawal of Jennifer Boal (Donato, Christopher) Modified on 8/18/2005 (Johnson, Jay). (Entered: 08/17/2005)
08/31/2005	<u>8</u>	MOTION to Continue deadline to comply w/order to 9/30/05 by Verdieu Bernard.(Johnson, Jay) (Entered: 09/01/2005)
10/17/2005	<u>9</u>	Judge Rya W. Zobel : MEMORANDUM AND ORDER entered: Attorney Himmelstein's Motion to Continue Deadline to Comply with Court Order (# 8) is allowed to the extent that counsel is Ordered to provide this Court information, forthwith, which delineates the appropriate circuit court of appeals to which this action may be transferred; By no later than October 21, 2005, Attorney Himmelstein shall, regardless of the requirement listed in paragraph (1) above, file a Certificate of Compliance with the Court's directive for transmittal of the papers in this action to Petitioner. Transmittal of the papers shall be made either in person or by express mail, return receipt requested. The Certificate of Compliance shall be made under oath, and signed by Attorney Himmelstein, and shall indicate the date of transmittal of the documents, and the method of transmittal to the Petitioner. The Certificate of Compliance must also contain an averment that all pleadings and Orders of this Court have been transmitted by Attorney Himmelstein.(PSSA1) (Entered: 10/17/2005)
10/20/2005	<u>10</u>	MOTION to Reopen Case by Verdieu Bernard.(Johnson, Jay) (Entered: 10/21/2005)
11/09/2005		Judge Rya W. Zobel : endorsedORDER entered granting <u>10</u> Motion to Reopen Case. It is ordered that the case be forwarded to the Court of Appeals. (Urso, Lisa) (Entered: 11/10/2005)